

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

TOMAS S. RUBALCADA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	5:07-CV-265-BG
	)	ECF
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

Plaintiff filed this complaint seeking review of a decision of the Commissioner of Social Security, and the United States District Judge reassigned this case to the United States Magistrate Judge. Now before the court is Plaintiff's unopposed motion to dismiss. Because Plaintiff did not consent to the jurisdiction of the United States Magistrate Judge, the court files this Report and Recommendation.

**I. Discussion**

Plaintiff filed his motion to dismiss on May 29, 2008. Plaintiff states that he no longer desires to prosecute his claim because he has found employment and no longer seeks Social Security benefits.


**II. Recommendation**

The court recommends that Plaintiff's motion be granted and his case dismissed.

### **III. Right to Object**

Pursuant to 28 U.S.C. § 636(b)(1), any party has the right to serve and file written objections to the Report and Recommendation within ten days after being served with a copy of this document. The filing of objections is necessary to obtain de novo review by the United States District Court. A party's failure to file written objections within ten days shall bar such a party, except upon grounds of plain error, from attacking on appeal the factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (en banc).

Dated: June 24, 2008.

  
NANCY M. KOENIG  
United States Magistrate Judge